

**COUNTY OF ERIE**  
LOCAL LAW INTRO NO. 7 - 2006  
LOCAL LAW NO. 3 - 2006

A LOCAL LAW amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to recommendations made by the Erie County Charter Revision Commission, duly organized pursuant to Local Law No. 4-2005, as amended by Local Law No. 10-2005.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

**Section 1.**

LEGISLATIVE INTENT. The Erie County Legislature approved Local Law No.4-2005, as amended by Local Law No. 10-2005, creating the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and the Administrative Code and to make recommendations on whether or not these documents should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments. The Legislature has reviewed all the recommendations and comments of the Charter Revision Commission, other interested policy organizations, members of the public, the Erie County Legislature, and other elected officials. The Legislature also held and participated in numerous public hearings to receive public input about Charter changes. The Legislature has considered all relevant information and input and does hereby determine that various sections of the Erie County Charter, Local Law 1-1959 (as amended) shall be amended to modernize the Charter and to enhance the fiscal oversight and financial stability of the County.

Additions to the Erie County Charter are reflected by underlining.  
Deletions to the Erie County Charter are reflected by ~~striketroughs~~.

**Section 2.**

Section 101 of Article I of the Erie County Charter is hereby amended as follows:

Section 101. Title and purpose. This charter and all amendments hereto shall constitute the form of government for the county of Erie and shall be known and cited as the "Erie county charter." Among the purposes of this charter are the accomplishment of greater economic efficiency, ~~economy~~ and responsibility in county government; the securing of all possible county home rule; the review of mandates as provided for by state law; the coordination of planning and economic development; the encouragement of inter-governmental cooperation among the cities, towns, villages throughout the County; and the separation of county legislative and executive functions.

### **Section 3.**

Section 105 of Article I of the Erie County Charter is hereby amended as follows:

Section 105. Legislative Districts. The county of Erie is hereby divided into ~~seventeen~~ fifteen districts, described as follows:

### **Section 4.**

Section 201 of Article II of the Erie County Charter is hereby amended as follows:

Section 201. County Legislature constituted. ~~Until December 31, 2003, the county Legislature shall be composed of seventeen members who shall be elected one from each of the seventeen legislative districts set forth in section one hundred five of Local Law 2-1991. Effective January 1, 2004, the~~ The county Legislature shall be composed of fifteen members who shall be elected one from each of the fifteen legislative districts set forth in section one hundred five hereof. The county legislators representing the ~~seventeen or~~ fifteen districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county Legislature which shall be the legislative and governing body of the county.

### **Section 5.**

Section 202 of Article II of the Erie County Charter is hereby amended by adding a new subsection "k", which reads as follows:

k. To confirm each appointment of the county executive of heads of every department, division or other administrative unit not administered by another elective official, pursuant to Article III of this Charter.

### **Section 6.**

Article II of the Erie County Charter is hereby amended by adding a new Section 202.4, to read follows:

Section 202.4 The Legislature shall name an open meetings advisor from among its members to advise the body on compliance with New York State Open Meetings and Freedom of Information laws.

### **Section 7.**

Section 204 of Article II of the Erie County Charter is hereby amended as follows:

Section 204. Form and procedure. Every local law shall be entitled "A local law" (amending etcetera or otherwise as the case may be). If a local law amends a specific

state statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the new matter underscored or italicized.

- a. The Legislature shall hold a public hearing 5-days before a local law, that is not certified as to the necessity of its immediate passage, can be put to a vote; acceptable public notice for this type of public hearing includes posting a notice on the county's official website and distribution of the notice to local media outlets.

Except as otherwise provided in this charter the procedure for the adoption of a local law including referendum, mandatory or permissive, shall be as provided in the administrative code and in the absence thereof by applicable law.

### **Section 8.**

Section 211 of Article II of the Erie County Charter is hereby amended as follows:

Section 211. Approval of independent auditors. Upon reviewing the results of the audit committee's evaluation of all audit report and management letter proposals which have been certified by certified public accounting firms and said committee's recommendations for the award of audit report and management letter contracts, the county Legislature shall by a majority vote enact a resolution specifying the name(s) of the certified public accounting firm(s) it has selected to prepare annual audit reports and accompanying management letters for the county of Erie and S.U.N.Y. at Erie Community College, ~~the Erie county medical center and the home and infirmary.~~

### **Section 9.**

Section 307 of Article III of the Erie County Charter is hereby amended as follows:

Section 307. Administrative heads; term; interim appointment; appointment of other officers and employees. Except as otherwise provided in this charter, the county executive shall appoint, to serve during his or her pleasure or for such term as may be specified in this charter, the head of every department, division or other administrative unit not administered by another elective official. The appointment by the county executive of the head of each department, division or other administrative unit including the ~~except~~ executive division, shall be subject to confirmation by the county Legislature. The county executive may appoint one head for two or more departments, divisions or other administrative units, subject to all requirements as to qualifications and confirmation, or may himself so serve without such confirmation.

All appointments shall be in writing, signed by the county executive and filed in the office of the clerk of the county Legislature within ten days after the date of appointment. No such appointee shall hold office beyond

the term of the county executive by whom the appointment was made, except as otherwise specified in this charter or applicable law, and except that unless removed the appointee he shall continue to serve until the his successor is appointed and has qualified or until an interim appointment is made. All holdover appointments shall require reconfirmation by the Legislature. In the event the Legislature has neither reconfirmed nor rejected a holdover appointment within a period of thirty days after commencement of the term of the subsequently-elected county executive, such appointment shall be deemed to be reconfirmed.

Upon confirmation by the county Legislature and qualifying for the office, an appointee to the position of head of a department or other administrative unit shall enter upon the duties thereof. In the event the county Legislature has neither confirmed nor rejected an appointment within a period of thirty days after the filing thereof with the clerk of the board, such appointment shall be deemed to be confirmed. Awaiting action by the county Legislature the county executive may designate a qualified person to serve as such head for a period not to exceed thirty days in any calendar year.

#### **Section 10.**

Article IV of the Erie County Charter is hereby amended as follows:

### **ARTICLE IV**

#### **DEPARTMENT OF FINANCE**

Section 401. ~~Department of finance; commissioner;~~

~~board of equalization and elective office of treasurer abolished~~

Department of Finance, Commissioner abolished Director of Real Property Tax services

402. Powers and duties.

Section 401. Department of real property tax services; director. There shall be a department of real property tax services headed by a director, who shall be appointed by the County Executive subject to confirmation by the county Legislature. ~~Department of finance; commissioner; board of equalization and elective office of treasure abolished. There shall be a department of finance headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county Legislature. The commissioner shall possess at least five years of practical experience in public accounting and be a licensed public accountant by the state of New York and/or shall have five years of administrative experience in the area of finance or shall possess a combination of said requirements. The Erie county equalization board act, being chapter three hundred four of the laws of nineteen hundred nineteen as amended is hereby repealed, and the elective office of county treasurer shall be abolished, as of January first, nineteen hundred sixty one.~~

Section 402. Powers and duties. Except as otherwise provided in this charter, the ~~commissioner of finance~~ director of real property tax services shall:

~~— a. Collect, receive, deposit, and disburse all fees, revenues and other funds of the county for which the county is responsible and report all such transactions to the comptroller on a daily basis in the format prescribed by the comptroller for the accounting thereof.~~

~~b. Have custody of the county's vendor bank account, disburse from this account all vendor payments prepared by the comptroller's office, and advise the comptroller of cash requirements for this bank account on a weekly basis to ensure that adequate cash is on deposit to cover expenditures.~~

a.e. Perform all duties, ~~including but not limited in relation to the~~ administration and collection of taxes, required by any law to be heretofore performed by a county treasurer or county sales tax director commissioner of finance.

b. Perform all duties in relation to the extension of taxes and the issuing of tax bills heretofore performed by the clerk of the county Legislature.

c. Keep a record of the transfer of title to real property and immediately notify the town clerk or the city board of assessors of all such transfers in each town or city, as the case may be.

d. Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.

e. Submit annually to the county executive proposed county tax equalization rates consistent with standards prescribed by the Legislature.

~~h. Report all transactions involving deposits, revenues, and appropriations to the comptroller on a daily basis in the format proscribed by the comptroller for the accounting thereof.~~

~~i. Review and evaluate the comptroller's annual investment plan. Submit to the county executive, director of budget and management, and the comptroller the results of this review and any proposed changes. This review will be based on anticipated revenues and borrowings. As a part of the budget process, the county executive shall consider the commissioner of finance's evaluations and recommendations in the preparation of his tentative budget.~~

f. Submit to the county Legislature and county executive reports and interpretations thereof as requested on a timely basis.

g. Perform all duties now or hereafter required by law to be performed by the county director of real property tax services.

### **Section 11.**

Section 505 of Article V of the Erie County Charter is hereby amended as follows:

Section 505. County laboratory district; county laboratory; director. The county, including the cities, towns, villages and special districts situated therein shall continue to be a county laboratory district. There shall be in the department an Erie county laboratory headed by ~~an assistant~~ director. The commissioner of health ~~county executive~~ shall appoint as laboratory ~~assistant~~ director a person who shall possess such qualifications as may be prescribed by the public health council of the state of New York for a clinical laboratory director. Such appointments shall be for the term or balance thereof of the commissioner ~~county executive~~ making such appointment.

The director shall exercise all the powers and duties heretofore or hereafter conferred or imposed upon him by the county charter, by the administrative code, by order or direction of the commissioner of health and by any applicable act of the Legislature not inconsistent with the county charter or the administrative code. Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a county laboratory board and the director of a county laboratory district by the public health law or other applicable law.

The director shall be responsible for the serological, bacteriological and other public health laboratory work for the county laboratory district, as required by the health commissioner. Except as otherwise provided in this charter, the director ~~he~~ shall exercise all powers and perform all duties of a county laboratory board.

### **Section 12.**

The Erie County Charter is hereby amended by inserting a new Article VI-A, to read as follows:

## **ARTICLE VI-A** **DEPARTMENT OF LABOR RELATIONS**

Section 601. Department of Labor Relations. There shall be a department of Labor Relations which shall be headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county Legislature.

### **Section 13.**

Article VII of the Erie County Charter is hereby amended as follows:

## **ARTICLE VII**

### **DEPARTMENT OF PARKS AND RECREATION**

Section 701. ~~Department of parks and recreation; commissioner; parks act REPEALED,~~  
recreation and forestry.

702. Powers and duties.

703. County parks and other recreation facilities.

Section 701. Department of parks ~~and,~~ recreation and forestry ~~parks act repealed~~  
~~commissioner.~~ There shall be a department of parks ~~and,~~ recreation and forestry headed  
by a commissioner, who shall be appointed by the county executive subject to  
confirmation by the county Legislature. ~~The Erie county parks act, being chapter six~~  
~~hundred six of the laws of nineteen hundred forty seven as amended, is hereby repealed~~  
~~as of January first, nineteen hundred sixty one.~~

Section 702. Powers and duties. Except as otherwise provided in this charter, the  
commissioner shall have supervision and control over the design, construction, operation,  
maintenance and repair of all county owned and operated properties and facilities for the  
following purposes; parks and recreation facilities therein, beaches, ~~zoological and~~  
~~botanical gardens,~~ forest lands and golf courses, together with buildings, structures,  
roads, parking areas, utilities, equipment and appurtenances. ~~He~~ The commissioner shall  
perform such additional and related duties as the county executive may prescribe.

Section 703. County parks and other recreation facilities. The county Legislature is  
hereby authorized on behalf of the county to accept by gift and to acquire by purchase,  
condemnation, lease or otherwise, real property for the purposes set forth in section seven  
hundred two hereof. The county Legislature may abandon such purposes by local law and  
may dispose of such property.

#### **Section 14.**

Subsection "b" of Section 1002 of Article X is hereby amended as follows:

b. Have charge and supervision of the design, construction, reconstruction, alteration,  
maintenance, repair and operation of county buildings, grounds, parking fields, drives  
and walks, but not including custodial care of the community college, library, holding  
center, penitentiary, ~~home and infirmary, medical center~~ or laboratory.

#### **Section 15.**

Article XI of the Erie county charter is hereby amended by adding a new section 1104  
which reads as follows:

Section 1104. Division of Youth Services. There shall be within the department of  
social welfare a division of youth services, headed by a deputy commissioner. In  
addition to all other duties prescribed by local law, ordinance or resolution of the

Legislature or by the commissioner of social welfare, the deputy commissioner of the division of youth services shall have charge of youth detention services.

## **Section 16.**

Article XI-F\* of the Erie County Charter, entitled "Office for the Disabled" is hereby deleted in its entirety and certain of its provisions transferred to Section XI-G-07 of Article XI-G, entitled "Division for the Disabled."

\*Also see Article XI-F, entitled "Department of Youth Services".

### **ARTICLE XI-F \***

#### **OFFICE FOR THE DISABLED**

~~Section 11 F 01. Office for the disabled; director.~~

~~11 F 02. Powers and duties~~

~~11 F 03. Advisory board.~~

~~—Section 11 F 01.—Office for the disabled; director. There shall be an office for the disabled, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the county executive.~~

~~—Section 11 F 02.—Powers and duties. The director of the office shall:~~

~~—a. Advocate the benefits and services which disabled persons are entitled to under the law and represent the disabled in various area of concern affecting their rights as citizens, including, but not limited to transportation, education, recreation, economic security, architectural barriers and rehabilitation;~~

~~—b. Identify and recommend to public and private agencies and organizations which serve the disabled, to the county Legislature and to the county executive appropriate sources of state, federal and private financial assistance for purposes of comprehensively expanding services and programs for the disabled;~~

~~—c. Identify areas of unmet needs and gaps in services and programs for the disabled;~~

~~—d. Act as the county administrative officer for planning and coordinating services for the disabled in cooperation with the county executive, county Legislature, county departments and public and private agencies and organizations which serve the disabled;~~

~~—e. Assist in the delivery of needed services to the disabled and encourage appropriate services providers, both public and private to provide for an effective delivery of services to the disabled;~~



~~—f. Establish and maintain coordination and communications with all public and private agencies and departments in the county which provide services and programs to the disabled;~~

~~—g. Develop and provide an information and referral service for all services and programs for the disabled and their families;~~

~~—h. Gather and disseminate information relating to the needs of the disabled and inform the public through an awareness program of the services and facilities available to disabled persons;~~

~~—i. Issue such publications and reports which in the director's judgement will promote the interests of the disabled;~~

~~—j. Meet regularly with and provide technical and staff assistance to the Erie county council on the disabled;~~

~~—k. Perform such further duties as may be prescribed or directed by the county executive or the county Legislature;~~

Section 11 F 03. Advisory board. There shall be established an advisory board to the office for the disabled which shall be known as the Erie county council on the disabled.

## **Section 17.**

The Erie County Charter is hereby amended by adding a new Article XI-F, to read as follows:

### Article XI-F. Office of public advocacy.

Section XI-F-01 Office of public advocacy

XI-F-01 Division of equal employment opportunity

XI-F-03 Advisory board to division of equal employment opportunity

XI-F-04 Division on the status of women

XI-F-05 Advisory commission to division on the status of women

XI-F-06 Division of veterans services

XI-F-07 Division for the disabled

XI-F-08 Advisory board to division for the disabled

XI-F-09 Consumer protection committee

Section XI-F-01. Office of public advocacy. There shall be an office of public advocacy, the head of which shall be the commissioner. The commissioner of said office shall be appointed from among the division directors by, and shall serve at the pleasure of, the county executive, subject to approval of the county Legislature. The commissioner of the office shall:

1. Serve in the capacity of countywide public advocate for all residents of Erie county, overseeing the day-to-day operations of the division of equal employment opportunity, division on the status of women, division of veterans services, division for the disabled and consumer protection committee;
2. Report to the county executive, county manager and the Legislature on an annual basis on all activities related to fulfilling the obligations of the office of public advocacy.

Section XI-F-02. Division of equal employment opportunity. There shall be a division of equal employment opportunity, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the commissioner.

The division shall:

1. Direct and be responsible for all equal employment activities of the county and establish a county affirmative action plan and policies and assist in their execution;
2. Monitor personnel changes and procedures, file annual reports with the equal employment opportunity commission (EEOC), ensure Affirmative Action compliance in all County contracts, assist minority/women owned business enterprises in the certification procedures, process complaints of discrimination and sexual harassment and conduct EEO/AA training for Erie county personnel.

Section XI-F-03. Advisory board to division of equal employment opportunity. There shall be established an advisory board to the division of equal employment opportunity.

Section XI-F-04. Division on the status of women. There shall be a division on the status of women. It is hereby declared to be the policy of Erie county, New York, to eliminate discrimination in any form that may exist on account of gender; to fully utilize the potential of each citizen, regardless of gender, in order to preserve our democratic way of life; and to provide equal opportunities to all citizens, regardless of gender, in employment, education, health and mental health, housing, senior and social services, and before the law. The director of said division shall be appointed by and shall serve at the pleasure of the commissioner. The division shall:

1. Work to ensure that the women of Erie county participate fully in matters that have an impact on their lives.
2. Develop an information system for services relating to the needs of women, and develop other networks and referral programs as necessary;
3. Investigate and analyze resources and services available for women within county government and programs funded by the county and recommend measures to coordinate, consolidate or expand those resources and services to provided maximum efficiency;
4. Submit an annual report of its activities and recommendations to the county executive and county Legislature.

Section XI-F-05. Advisory commission to division on the status of women. There shall be an advisory commission. The commission shall consist of nine to fifteen members to be appointed by the county executive subject to confirmation by the county Legislature. The county executive shall appoint to the commission at least two persons recommended by each of the majority and minority leaders of the Legislature.

Nominations for the remaining positions shall be actively solicited from groups which represent and are active in the area of women's concerns. The departments of health, mental health, senior services, social services, youth services, and the equal employment opportunity office shall each designate one person to serve as an ex-officio non-voting member of the commission. The membership of the commission shall reflect the diversity of women and their concerns in Erie county.

No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each.

The commission shall annually designate one member to serve as commission chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the commission shall appoint a successor to that office from the commission's membership.

The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Section XI-F-06. Division of veterans services. There shall be a division of veterans services, the head of which shall be the director. The director of said division shall be appointed by and serve at the pleasure of the commissioner. The division shall:

1. Advocate for the benefit of veterans in accordance with New York state executive law section 357;
2. Assist veterans and their families with job searches and placement, education, vocational rehabilitation, disability and pension claims, death benefits, medical needs and indigent burials.

Section XI-F-07. Division for the disabled. There shall be a division for the disabled, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the commissioner. The division shall:

1. Evaluate and provide reasonable accommodations to county employees under the Americans with Disabilities ACT (ADA) or New York Executive Law in conjunction with the county attorney's office, labor relations department and the unions;

2. Advocate the benefits and services which disabled persons are entitled to under the law and represent the disabled in various area of concern affecting their rights as citizens;
3. Identify and recommend to public and private agencies and organizations which serve the disabled, to the county Legislature and to the county executive appropriate sources of state, federal and private financial assistance for purposes of comprehensively expanding services and programs for the disabled;
4. Act as the county administrative officer for planning and coordinating services for the disabled in cooperation with the county executive, county Legislature, county departments and public and private agencies and organizations which serve the disabled;
5. Submit an annual report in accordance with the Americans with Disabilities ACT (ADA) of activities and recommendations to the county manager and county Legislature.

Section XI-F-08. Advisory board to division for the disabled. There shall be established an advisory board to the division for the disabled.

Section XI-F-09. Consumer protection committee. There shall be a consumer protection committee. The committee shall:

1. Undertake activities to encourage business and industry within the county to maintain high standards of honesty and fair business practices, and to act responsibly in the production, promotion and sale of consumer goods and services, in the extension of credit and in the collection of consumer debts;
2. Investigate and analyze resources and services available to consumers within the departments of Erie county government and programs funded by Erie county and shall recommend measures to coordinate, consolidate or expand these resources and services to provide maximum efficiency and effectiveness;
3. Increase consumer awareness and competence through the development of educational programs emphasizing preventive education, the creation and distribution of publications, the use of communications media and a speakers bureau;
4. Submit an annual report of its activities and recommendations to the county executive and county Legislature;
5. Have a minimum of four public meetings each year at which meetings the business of the committee shall be conducted.

To effectuate the purpose of this section, the commissioner and the county executive shall require any county department, division, board, council, committee or agency to provide such facilities, assistance and data as will enable the committee to properly effectuate its powers and duties.

The number of members on the committee, the procedure for appointing them, the length of their terms, and the functioning of the committee shall be as specified in section 1607 on advisory boards, with the exception that the county executive shall designate the chairperson from among the members of the committee.

A staff person from the office of the county executive, or other county department or division as designated by the county executive, shall serve as liaison between the committee and office of the county executive. The liaison shall attend committee meetings, secure meeting space, assign clerical assistance as needed and assign storage for documents of the committee.

### **Section 18.**

Section 1202 of Article XII of the Erie County Charter is hereby amended as follows:

Section 1202. Powers and duties. The comptroller shall:

- a. Be the chief fiscal, accounting, reporting and auditing officer of the county, and oversee the fiscal affairs of the county including the sale of all bonds and notes and the investment of proceeds thereof and the investment of agency and trust funds, as well as general and operating fund revenues.
- b. Maintain the official accounting records for all receipts and disbursements of the county, including liabilities, fund balances, encumbrances, expenditures, appropriations, revenues and estimated revenues and prescribe approved methods of accounting for county officers and administrative units in accordance with standards and policies prescribed by the New York state comptroller and the governmental accounting standards board.
- c. Examine all requisitions for the encumbering of funds for the expenditure of which the county is responsible, and certify as to the availability of funds therefor.
- d. Audit and certify for payment all lawful claims, or charges against the county or against funds for which the county is responsible.
- e. Conduct financial and compliance audits of the records and accounts of all officers and employees charged with any duty relating to county funds or funds for which the county is responsible in conformity with generally accepted auditing ~~standards~~ principles as prescribed by the American institute of certified public accountants and the comptroller general of the United States, and submit such audit reports to the Legislature.
- f. Procure statements from all depositories of county funds and funds for which the county is responsible, and reconcile such statements with county accountants.
- g. Conduct management and performance audits of county administrative units and county funded programs in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the comptroller general of the United States and submit such audit reports to the Legislature.

h. Provide such other accounting reports and interpretation thereof to the county executive and Legislature as requested on a timely basis.

i. Submit to the county Legislature and county executive and the independent auditor hired by the county pursuant to charter section nineteen hundred two, monthly accounting reports of appropriations, encumbrances, expenditures and revenues on an accrual basis from the county's computerized accounting system, monthly statements from all depositories of county funds and funds for which the county is responsible, quarterly financial statements for the first three quarters of each fiscal year and annually a comprehensive financial statement containing a balance sheet and statement of revenues, expenditures and changes in fund balances.

j. Provide all records and reports requested or required by New York state, the independent auditor for the annual audit of the county's financial statements, and other independent auditors under contract with the county of Erie.

k. With the assistance of the county attorney or his designee, prepare bond resolutions for approval by the county Legislature and secure funds from the bond market for approved capital projects. Notification of plans to secure both funds shall be provided to the county executive and the Legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, Legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing interest rate, and repayment schedule. In addition, once the Erie county Legislature and county executive approve the bond resolution, the comptroller must, as requested, seek financing of said bond resolution. Furthermore, after the required approvals by the Erie county Legislature and the county executive, funds approved for capital projects must be released by the comptroller.

l. Prepare annual cash flow statements, monitor cash flow, and when necessary, secure short term funds. Notification of plans to secure short term funds shall be provided to the county executive and the Legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, Legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing, interest rate, and repayment schedule.

m. Issue and certify any official statement necessary for the county to issue bonds or notes, provided such statement must have been approved as to content by the county executive and as to form by the county attorney or his designee.

n. Provide the director of budget and management, the finance commissioner, and the county executive with complete debt service information for the annual budget, information on the monthly cash flow statements, and other reports as required, in accordance with time guidelines established by the budget director.

~~o. Transfer cash from appropriate accounts upon the request of the commissioner of finance to the county vendor bank account under the control of the commissioner of finance.~~

o. On or before the 15<sup>th</sup> of October, review all revenue projections to be used in the proposed tentative budget prepared by the county executive and submit to the Legislature in writing a report indicating whether or not the projections are suitable estimates for the ensuing year. Should the comptroller determine that the revenue projections are not suitable for the ensuing fiscal year, the Legislature, upon notice from the comptroller may revise such projections downward upon a two-thirds majority vote. The Legislature shall not revise such revenue projections upward.

p. Be responsible for the collection and recovery of accounts receivable due the county provided , however, that the hiring of legal counsel to collect and recover accounts receivable shall be subject to the provisions set forth in Section 6.02 of the administrative code.

~~—p.q.~~ Perform such additional and related duties as may be prescribed by local law.

~~—q. r.~~ As a part of the budget process, provide ~~the finance commissioner and budget director~~ the county executive with an annual plan of investment and interest earnings.

~~—r. s.~~ Have custody of all accounts, ~~except the vendor bank account which is in the custody of the commissioner of finance.~~

~~—t.~~ Be responsible for the provision of all accounting services to all county departments, offices and units as part of a centralized accounting system.

## **Section 19.**

Section 1602 of Article XVI of the Erie County Charter is hereby deleted in its entirety.

~~Section 1602. Erie county medical center; board of managers; chief executive officer; treasurer.~~

~~A. Legislative Intent. It is found, declared and determined that the Erie county medical center is a public purpose institution and was built and exists in all respects for the benefit of the people of the county of Erie to provide quality services without respect to ability to pay. The exercise by the board of managers of its ascribed functions, powers and duties as herein after provided, constitutes the performance of an essential public governmental purpose.~~

~~B. 1. There shall be a medical center board of managers of thirteen members who are resident citizens of the county of Erie appointed for five year staggered terms. The county executive shall make the appointments for ten positions, the chairman of the Erie county Legislature shall make the appointment for one position, and the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie county Legislature shall by majority vote make the appointment each for one~~

~~position, and all such appointments shall be subject to confirmation by the Erie county Legislature.~~

~~2. Of those eleven members first appointed, three shall have been appointed for a term of five years, two appointed for a term of four years, two appointed for a term of three years, two appointed for a term of two years, and two appointed for a term of one year. The chairman of the Erie county Legislature shall designate one of the two positions which next become vacant by expiration of the original term after approval of this local law at referendum, which position shall then and thereafter be the position to be appointed by the chairman of the Erie county Legislature with the appointee serving for a term of five years. The two board members first appointed by the members of the Erie county Legislature shall each serve for a term of four years. Appointments of successors shall be for the full term of five years except that the appointment of a person to fill a vacancy occurring by death, resignation or cause other than the expiration of a term shall be made for the unexpired term. Board members shall hold over and continue to discharge the duties of their office after the expiration of the terms of their appointment, until a successor has been chosen and qualified. Nothing contained herein shall divest any present board member of his previously appointed term and any present vacant position shall be filled for the balance of the original term. The provisions of subdivision three of section one hundred twenty seven of the general municipal law shall apply with respect to vacancies in the office of any board member.~~

~~3. No member of the board shall serve in any salaried or elected position in the Erie county government. No member of the board of managers shall have any financial interest in the medical center nor shall any member sit on an advisory or governing board of any other hospital. Members shall serve without compensation for their services as members of the board except as otherwise provided by resolution of the Erie county Legislature. Members shall, however, be entitled to be reimbursed for actual expenses in performing the duties of their office.~~

~~4. The county of Erie hereby agrees to confer upon each present or future member of the board of managers the benefits of section eighteen of the public officers law of the state of New York, as it now exists or hereafter may be amended, and to be held liable for the costs incurred by each such board member under the provisions of such section.~~

~~C. The board of managers shall have and exercise all the powers and duties of a board of managers of a public general hospital under New York statutes not inconsistent with the provisions of this section of the Erie county charter, and shall also have and exercise those powers and duties conferred or imposed on the board by the Erie county charter, the administrative code, and subsequent local law. Except as otherwise specifically provided, this section shall supersede all other provisions of the Erie county charter and administrative code as to the matters herein contained, and in accordance therewith, the board shall exclusively have and exercise the following powers and duties:~~

~~1. The board shall have the general superintendence, management and control of the Erie county medical center and of the Erie county home and infirmary, and of the grounds, buildings, officers, employees, staff and patients thereof; and of all matters relating to the government, discipline, contracts (except for collective bargaining agreements), and fiscal concerns of the medical center. The board shall make such rules and regulations as may seem to it necessary for carrying into effect the purposes of the medical center and of the home and infirmary and providing for its operation and sound management.~~



~~Nothing contained herein shall effect the responsibility of the county of Erie to negotiate with the recognized and certified collective bargaining agent for the employees at the medical center or the home and infirmary. Whenever used within this charter, the term Erie county medical center or the term medical center shall be deemed to include the Erie county home and infirmary unless otherwise stated.~~

~~2. The board shall maintain an effective inspection of the medical center and keep itself informed of the affairs and management thereof and shall periodically review the progress, environment, and direction of the medical center. The board shall adopt by laws which among other things shall govern the time, place, and conduct of board meetings.~~

~~3. The board shall provide for the medical care and treatment of all persons admitted to the medical center; and shall appoint and may remove members of the medical and dental staff; and shall establish rules and regulations governing the service thereof and approve the medical dental staff by laws which shall comply with the New York state public health law and all other applicable laws and regulations, provided that nothing herein shall diminish the rights and protections guaranteed by any collective bargaining agreement.~~

~~4. The board shall appoint and, subject to legislative appropriations provided therefore and the provisions of paragraph 8(a) of subdivision C of this Section, fix the compensation of the medical center chief executive officer, medical director, chief financial officer, chief operating officer, associate administrator for health systems development and the administrator of the Erie county home and infirmary.~~

~~a. The chief executive officer shall be appointed on the basis of his training and experience in hospital administration, shall not be a member of the board, and shall hold office at the pleasure of the board. The chief executive officer of the medical center shall have and exercise all the powers and duties of a superintendent of a public general hospital under New York statutes not inconsistent with this section of the Erie County Charter, and shall also have and exercise those powers and duties conferred or imposed by the Erie County Charter, the Administrative Code, and subsequent local law.~~

~~b. The administrator of the Erie county home and infirmary shall be appointed by the board on the basis of education, training and experience and shall possess all qualifications required of a nursing home administrator under the statutes and regulations of the state of New York.~~

~~5. The board shall elect the Erie county medical center treasurer who shall have the authority to direct that all proper bills and accounts of the medical center, including salaries and wages, be paid. The county chief fiscal officer shall disburse the funds directed paid by the medical center treasurer. The medical center treasurer shall also have the authority, subject to approval by the medical center board, the county executive, the county chief fiscal officer, and the county Legislature to: (1) establish bank accounts in the name of the Erie county medical center, and deposit therein all monies received or collected by the medical center; and (2) receive and have custody of all funds of the medical center, including funds received from the county's general fund, charges, fees, medicaid, medicare, private insurers, patient payments, and funds from all other sources. The board may delegate some or all of the duties of a treasurer to a medical center chief financial officer.~~

~~6. The board shall adopt an overall charge schedule for the medical center and approve any revisions thereto, including, but not limited to, charges for patient rooms, all ancillary~~

~~services, supplies, medications and special services, provided that such charge schedule and any revisions thereto shall be consistent with all applicable statutes and regulations of the state of New York and federal government and shall not impair, prevent, or interfere with the delivery of free care to the indigent. The board shall notify the Erie county executive and Erie county Legislature of all proposed fee and charge increases prior to enactment and imposition.~~

~~7. The board may institute actions at law and in equity for the collection of claims and obligations due to the medical center from any and all causes, and may prosecute, compromise or settle such claims and obligations, or waive the collection of all or any portion of any uncollected claims or obligations, retain counsel to conduct such litigation, and contract with a private collection agency for the collection of overdue claims and obligations. No collection activity or procedure shall impair, prevent, or interfere with the delivery of free care to the indigent. The board will report at least annually to the county Legislature, the county executive, and the county chief fiscal officer following action by the board waiving the collection of claims or obligations.~~

~~8. The payment of bills and accounts payable for the operation and maintenance of and capital improvements to the medical center shall be approved by the board for expenditure by such board through the Erie county medical center treasurer subject to the following:~~

~~a. The board shall submit a proposed tentative operation and maintenance budget, including cash flow projections, to the county executive at such time and in the format prescribed by the county director of budget and management. Said operation and maintenance budget shall be reviewed by the county director of budget and management and the county executive, who shall submit their recommendations with the county budget each year to the Erie county Legislature. After final approval of the operation and maintenance budget by the county executive and the county Legislature, the county shall pay to the medical center the funds designated in the county budget as the "transfer of funds appropriated from the county general fund to the Erie county medical center fund", as such designation may be amended from time to time, in periodic interim payments as agreed upon between the board, the county chief fiscal officer and the director of budget and management. The board shall have the discretionary power to make transfers and adjustments within and between all accounts within the adopted budget, as it deems necessary for the operation of the medical center. A copy of each budget transfer shall be provided to the county director of budget and management and the clerk of the Erie county Legislature within thirty days of the board's approval of same.~~

~~b. The board shall submit a proposed tentative capital budget and program, including cash flow projections, to the county executive at such time and in such format prescribed by the county director of budget and management. Said capital budget and program shall be reviewed by the county director of budget and management and the county executive, who shall submit their recommendations with the county budget each year to the Erie county Legislature. Said proposed tentative capital budget and program shall be reviewed as provided in sections eighteen hundred two and eighteen hundred three of the Erie county charter and sections 18.03 and 18.04 of the administrative code, as these sections now exist or hereafter may be amended. After final approval of the capital budget and program by the county executive and the county Legislature, the board shall have the discretionary power to make transfers and adjustments between all accounts within an~~

approved capital project, subject to any provisions of a bond or note resolution relating to the project. A copy of each such transfer shall be provided to the county director of budget and management and the clerk of the Erie county Legislature within thirty days of the board's approval of same.

~~c. Subject to Civil Service Law and Rules and to all provisions of applicable collective bargaining agreements, the board shall have the power to create and abolish full-time and part-time permanent or temporary positions of employment. Assignment of job groups, except in the case of the medical center chief executive officer, medical director, chief financial officer, chief operating officer, associate administrator for health systems development, and administrator of the home and infirmary, shall be certified by the County Department of Personnel. When the medical center is unable to fill a position with a qualified person at the lowest salary level for the job group assigned to the position, the board may fill such position at a higher salary increment with the assigned job group with the approval of the County Department of Personnel.~~

~~d. No payment shall be authorized or made and no obligations incurred except in accordance with appropriations duly made, or except as otherwise permitted by the charter or the administrative code; provided that this shall not be construed to prevent the board from entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.~~

~~e. If at any time during the fiscal year it appears that the medical center revenue available will not be sufficient to meet the amounts appropriated, or that the actual year-to-date expenditures will exceed the amounts appropriated, the board of managers shall report to the county executive and the county Legislature within thirty days of the identification of the short fall the estimated amount of the deficit, remedial action to be taken, and recommendations for further action. Failure to do so shall constitute cause for removal of members of the board from office by the county executive with the approval of the county Legislature. If within thirty days of making such report to the county Legislature the board of managers shall not have implemented and put into effect remedial actions to the satisfaction of the county Legislature, the county Legislature may impose such remedial actions as it may determine to be necessary to avert or to ameliorate a deficit. The determination of whether the board of managers has implemented and put into effect such remedial actions shall be in the sole determination of the county Legislature.~~

9. a. The board shall have the power to make all purchases of, leases, and contracts for all necessary furniture, appliances, fixtures, equipment, materials, drugs and supplies, and other needed items for the operation of the medical center. The board may designate the medical center chief executive officer as its purchasing agent who in turn may delegate such function to his designee and who shall supervise the personnel responsible for the purchasing duties and responsibilities hereunder in conformity with the provisions of this section, generally accepted principles of management and procurement, and policies established from time to time by the board.

b. The board shall have the authority to approve all contracts for services rendered by the medical center and for services rendered to or for the medical center, including professional, technical and other consultant services, except that in the case of any hospital management contract as defined in New York State health department regulations, such contract shall also be approved by the county Legislature. The board may authorize the medical center chief executive officer to sign and execute all such

~~contracts on behalf of the medical center. No service provided by employees covered by a collective bargaining agreement shall be contracted out without conducting prior negotiations with appropriate bargaining units and following all procedures required by section two hundred nine of the civil service law of the state of New York.~~

~~c. The board shall have the authority to make all necessary capital improvements and all necessary ordinary repairs to any existing buildings and grounds used for the medical center, provided that any capital improvements as defined in the New York state local finance law have been approved by the county executive and the county Legislature as part of the capital budget. The board shall have the authority to approve all contracts for such capital improvements and ordinary repairs, except that it shall not enter into any such contracts to be financed by bonds or notes unless the county executive and the county chief fiscal officer have certified that proceeds from such bonds or notes are available. The board may authorize the medical center chief executive officer to execute all such contracts for such capital improvements and ordinary repairs.~~

~~d. All contracts to be executed by the board or by the chief executive officer on behalf of the medical center shall be approved as to form by the county attorney. A copy of each such contract should be filed with the county attorney and the county chief fiscal officer.~~

~~e. The procedures for purchasing, including public advertising, competitive bidding, and/or requests for proposals, shall be the same as those set forth in section three hundred six of the charter and sections 3.06, 3.07 and 19.08 of the administrative code as these sections now exist or hereafter may be amended, except that where those sections specify that actions may be taken by the county Legislature, the action of the medical center board of managers shall be substituted and be sufficient, and where those sections specify that action may be taken by the county executive, the division of purchase and/or the purchasing director, the action of the medical center chief executive officer shall be substituted and be sufficient.~~

~~10. The board is authorized to accept and administer all grants, awards and gifts made to the medical center by any person or outside agency including the state and federal governments. It may accept grants, awards and gifts requiring matching of funds or of other financial commitments on the part of the county only where such funds can be obtained from approved budget sources.~~

~~11. The board shall have the authority to approve all certificate of need applications to be submitted to the New York state department of health. The board may authorize the chief executive officer to prepare and submit such applications. The medical center shall not eliminate or reduce any service requiring submission of a certificate of need application pursuant to the New York state public health law and regulations without notifying and consulting with the county executive and the county Legislature prior to submitting such application.~~

~~12. The board may provide for periodic, independent audits of all accounts maintained and of all bills and accounts payable out of the funds of medical center in addition to the annual independent audit provided for in sections two hundred eleven, three hundred one(n) and eighteen hundred thirteen of the charter, as these sections now exist or hereafter may be amended. All the books and accounting procedures of the medical center shall be kept in conformity with applicable state and federal requirements and shall be subject to audit by the comptroller of the county of Erie. The board shall render~~

~~reports respecting any and all receipts and expenditures of the medical center as the county executive and county Legislature shall request.~~

~~13. The Erie county Legislature strongly supports the relationship between Erie county medical center and the school of medicine and biomedical sciences of the state university of New York at Buffalo. The board shall take all appropriate actions to retain and enhance the benefits arising from said relationship. The medical center shall provide the Erie county Legislature with an annual report on the status of the affiliation agreement and any changes related thereto.~~

~~14. The board shall deliver to the county Legislature, the county executive and the county chief fiscal officer a detailed quarterly report of the operations of the medical center and such other information as shall be requested from time to time.~~

## **Section 20.**

Section 1603 of Article XVI of the Erie County Charter is hereby deleted in its entirety, and certain of its provisions transferred to Section 505 of Article V, entitled "County laboratory district; county laboratory; director".

~~Section 1603.—County laboratory; director; advisory board. The county, including the towns, cities, villages and special districts situated therein, shall continue to be a county laboratory district. There shall be an Erie county laboratory, headed by a director. The county executive shall appoint a laboratory director who shall possess such qualifications as prescribed by applicable state law and regulations. Such appointment shall be subject to confirmation by the county Legislature and shall be for the term or balance thereof of the county executive making such appointment.~~

~~—The director shall be responsible for the pathological, toxicological, serological, bacteriological and other laboratory work for the county laboratory district, the county health district and the county hospital or hospitals. Except as otherwise provided in this charter, he shall exercise all powers and perform all duties of a county laboratory board. The county executive shall appoint a laboratory advisory board of nine members which shall at the request of the director, and may on its own initiative, advise on matters relating to laboratory facilities and services. The chairman of the board of health, the chairman of the hospital advisory board, the commissioner of health and the hospital superintendent shall be ex officio members of such board. The five other members of such board at least two of whom shall be physicians licensed to practice in the state of New York, shall be appointed for five year staggered terms.~~

## **Section 21.**

Section 1606 of Article XVI of the Erie County Charter is hereby amended as follows:

Section 1606. ~~Department of Probation and Youth Detention.~~ There shall be a Department of Probation and ~~Youth Detention~~ headed by a commissioner ~~director~~ who shall be appointed by the county executive, subject to confirmation by the county Legislature. ~~Within said department there shall be a Probation Division and a Youth~~

~~Detention Division, each headed by a deputy director.~~

## **Section 22.**

Section 1607 of Article XVI of the Erie County Charter is hereby amended as follows:

Section 1607. Other boards; how appointed. The alcoholic beverage control board, the board of trustees of the Buffalo and Erie county public library, the board of trustees of ~~Erie county technical institute~~ S.U.N.Y. at Erie Community College, the fire advisory board and the vocational education and extension board shall continue as provided by law except that the power of appointment residing in the county Legislature or in the chairman thereof of one or more members of each of said boards is transferred to ad shall be exercised on and after January first, nineteen hundred and sixty one, by the county executive, subject to confirmation by the county Legislature. The appointment of any head, board or agency in relation to a county sewer, water, drainage or small water shed protection district or to any other county district of a similar nature shall be by the county executive and shall be subject to confirmation by the county Legislature. Except as otherwise provided in this charter or the administrative code, other appointments to boards and like units shall be made in the manner provided by applicable law.

## **Section 23.**

Article XVI of the Erie County Charter is hereby amended by adding a new Section 1607-a, to read as follows:

—Section 1607-a. Advisory boards. To better fulfill the purpose, responsibilities and goals of each department of the county, or comply with the requirements of NYS law, citizens' advisory boards may be established. Unless otherwise stipulated elsewhere in this charter or through NYS law, advisory boards for Erie County shall be constituted as follows:

- A. New advisory boards may be established by the county executive or the county Legislature.
- B. Advisory boards shall consist of an odd number of members, at least seven and at most fifteen. Members shall be residents of Erie County.
- C. Members shall be appointed by the creating authority.
- D. Members shall serve three-year terms and may serve no more than two consecutive terms; those who have served two consecutive terms shall be eligible again after a two-year absence.
- E. The creating authority shall fill any vacancies within sixty days. If a member leaves a board before the end of his or her term, the replacement shall serve for the duration of the term; if the time remaining in the term is less than eighteen months, the replacement shall still be eligible for two consecutive full terms at the conclusion of the partial one.
- F. Each advisory board shall elect one of its members to serve a two-year term as chair; no chair may serve more than two consecutive terms.

G. Advisory boards shall meet at least four times per year, and meetings shall be held in compliance with the Open Meetings Law. If a board fails to hold the minimum number of meetings, the creating authority shall investigate why, and is authorized to remove an ineffective chair or any inactive members, or to recommend that the Legislature abolish the board.

H. Each advisory board chair shall submit an annual report to the county executive and the Legislature stating the board's accomplishments during the past year and plans for the upcoming year.

I. Members of advisory boards shall serve without compensation.

J. To further define their structure and procedures, each advisory board may adopt bylaws that are not in conflict with this section, subject to the approval of the creating authority.

## **Section 24.**

Section 1612 of Article XVI of the Erie County Charter is hereby deleted in its entirety, and the language therein transferred to Section XVI-G-04 of Article XVI-G.

~~Section 1612.— Support of public libraries.~~

~~—a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie county public library, and shall not be subject to withholding, modification, or reduction by the county after adoption of the annual Erie county budget, consistent with library powers in section two hundred fifty nine of the education law, except that the trustees of the Buffalo and Erie county public library shall not authorize, without the prior approval of the county Legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.~~

~~—b. The Erie county Legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie county public library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie county public library expenses adopted in the annual Erie County budget.~~

## **Section 25.**

Section 1613 of Article XVI is hereby deleted in its entirety.

~~Section 1613.— Board of Trustees of Erie community college, additional powers. The powers of the board of trustees of Erie community college formerly known as the State University Institute of Applied Arts & Sciences at Buffalo and the Erie county technical institute (hereinafter "Board") shall continue as provided by law, except that the following additional powers shall be conveyed to the Board:~~

~~—A:~~

~~—1.— The Board shall have the authority to make all purchases and contracts, including leases of personal property, for all furniture, appliances, fixtures, equipment, materials, and supplies necessary for the efficient operation of the college to the extent that appropriations have been provided therefore in the college budget. The Board, or the president of the college acting with the authority of the Board, shall designate an individual to be its purchasing agent who shall supervise and manage the personnel responsible for the purchasing duties and perform the responsibilities hereunder in conformity with the provisions of this section, generally accepted principles of management and procurement, and policies established from time to time by the Board. Except as otherwise provided by law, authority to enter into contracts for capital improvements and real property leases of college property shall continue to be vested in the county.~~

~~—2.— The procedures for purchasing, including public advertising and competitive bidding, shall be the same as those set forth in section three hundred six of the charter and section 3.06 and 3.07 of the administrative code as these sections now exist or hereafter may be amended, except that where those sections specify that action may be taken by the county Legislature, the action of the Board shall be substituted as sufficient, and where those sections specify that action may be taken by the county executive, the division of purchase and/or the purchasing director, the action of the purchasing agent of the college shall be substituted as sufficient.~~

~~—3.— The Board shall have the authority to approve all contracts for professional, technical and other consultant services to be rendered to or for the college, which are not required to be competitively bid pursuant to the General Municipal Law, provided that such services to be rendered to or for the college shall not exceed \$50,000, and provided further that the Board complies with the procedure for requests for proposals set forth in Section 19.08 of the administrative code as this section now exists or hereafter may be amended, except that where section 19.08 specifies that action shall be taken by the county Legislature, the action of the Board shall be substituted as sufficient, and where 19.08 specifies that action shall be taken by the department head or administrative unit head, such action may be taken by the president of the college.~~

~~—4.— No services provided by employees of the college shall be contracted out without complying with appropriate existing collective bargaining agreements and following the procedures required by section two hundred nine of the civil service law of the state of New York, if applicable.~~

~~—5.— All contracts entered into pursuant to this subsection A shall not be valid and enforceable until approved as to form by the county attorney. With regard to contracts entered into pursuant to subdivision 1 of this subsection Q, such contracts shall be approved by the purchasing agent of the college and the county attorney. With regard to contracts entered into pursuant to subdivision 3 of this subsection A, such contracts shall be approved by the Board and the county attorney. The Board may designate the president of the college to execute, on behalf of the Board, contracts entered into pursuant to subdivision 3 of this subsection A.~~

~~—6.— No purchase shall be made pursuant to this subsection A unless sufficient funds exist therefore from budgetary appropriations or other funding sources, or except as otherwise permitted by law. However, the Board shall not be prevented from entering~~



~~into any lawful contract or lease of personal property providing for the payment of funds beyond the end of the college's fiscal year.~~

~~—B.~~

~~—1.— Subject to the civil service law and rules and to all provisions of applicable collective bargaining agreements, the Board shall have the power, through its existing budgetary process, to create and abolish full-time and part-time permanent or temporary positions of employment. The Board or the president of the college acting with the authority of the board, will designate a personnel agent who shall act in place of the Erie County commissioner of personnel and have the same powers and duties of the commissioner of personnel as set forth in the Erie County charter and administrative code, with regard to employment and personnel matters within the college. The president or the college's personnel agent, acting with authority of the Board, may execute all necessary documents relating to the appointment to employees and payroll of the college. Subject to the requirements of Civil Service law and rules and provisions of existing collective bargaining agreements, the college personnel agent shall submit required documentation to the county commissioner of personnel. Assignment of job groups, to the extent required by law shall be certified by the Erie county department of personnel. When the college is unable to fill a non-managerial/confidential position with a qualified person at the lowest salary level for the job group assigned to that position, the Board may fill such position at a higher salary increment with the assigned job group.~~

~~—2.— Except as otherwise permitted by law, no position of employment shall be created by the college unless sufficient funds exist therefore from budgetary appropriations or other funding sources. Subject to existing or future laws, regulations and collective bargaining agreements, positions may be created and abolished by the college during its fiscal year.~~

~~—3.— Notwithstanding any provision contained in this subsection B, the county and the college shall negotiate on behalf of the college, and the county attorney shall approve as to form, all collective bargaining agreements and other contracts with civil service unions to which the college is a signatory. With respect to collective bargaining agreements and other contracts with civil service unions to which the college is not a signatory, but involve employees at the college, the college shall be permitted to participate in negotiations as part of a negotiating team.~~

~~C.— All provisions of this charter and the administrative code relating to Erie community college, which have not been otherwise amended by the section or other local laws, shall continue in full force and effect.~~

## **Section 26.**

Article XVI-B of the Erie County Charter, entitled "Erie County Consumer Protection Committee" is hereby deleted in its entirety, and certain of its provisions transferred to Section XI-F-09 of Article XI-F, entitled "Consumer Protection Committee."

## **Section 27.**

Article XVI-C of the Erie County Charter is hereby deleted in its entirety.

## **ARTICLE XVI-e**

### **ERIE COUNTY CITIZENS COMMITTEE ON RAPE AND SEXUAL ASSAULT**

~~Section 1640. Establishment, powers and duties.~~

~~1641. The county executive.~~

~~1642. The sheriff.~~

~~1643. Membership; meetings.~~

~~— Section 1640. — Establishment, powers and duties. There is hereby created the Erie county citizens committee on rape and sexual assault, hereinafter called the committee. The committee shall:~~

~~— 1. Coordinate and execute a county wide program following the guidelines of the comprehensive report submitted by the Erie county task force on rape and sexual assault, for the total consideration of dealing with offenses of rape and sexual assault; such programs to include, but not to be limited to, the basic areas of law enforcement, criminal justice, medical services, counseling services, training and education, and the total goal of which will be to provide for considerate regard of the victim, while bringing offenders to justice, together with a model educational and preventive program aimed at reaching both sexes and all age levels through a community education and information program.~~

~~— 2. Make recommendations to other agencies and organizations for changes in procedures and functions which will provide for a unity of approach, procedure, training, public education, and information, for the accomplishment of its goals.~~

~~— 3. Maintain a volunteer supportive advocate program. The volunteer supportive advocate program provides immediate support to victims of sexual assault at the hospital and courts. In order to maintain this program the commissioner of mental health shall provide for a half time coordinator of the volunteer supportive advocate program either through a position in his department, or through an appropriate agency which provides mental health services to the residents of Erie county pursuant to contract with the county. The commissioner shall appoint the coordinator from a list of qualified candidates submitted by the committee. Each such candidate shall either be an employee of the county or an employee of a mental health contract agency. If the half time coordinator position for the volunteer supportive advocate program is provided through a mental health contract agency, the agreement with that agency shall be submitted to the committee for review and comment prior to the execution thereof.~~

~~— 4. Evaluate the work of the various community and governmental agencies charged with the administration of the programs previously instituted by the committee set forth in 1 and 2 above. The committee shall advise either the county executive or sheriff of the results of these evaluations and if during the evaluation process it appears that the committee's goals and objectives for a comprehensive sexual assault program have not been met the committee may request action of the county executive or the sheriff in implementing recommendations.~~

~~—Section 1641.— County executive. To effectuate the purposes of this article, the county executive shall require any county department, division, board, council, committee or agency to provide such facilities, assistance and data as he feels can reasonably be provided and should be provided to properly effectuate the goals of the committee.~~

~~—The county executive will appoint a person to serve as a liaison between the committee and the county executive. The responsibilities of this person shall include but not be limited to providing the committee with information with respect to the functionings of the county government insofar as they relate to the business of the committee.~~

~~—Section 1642.— Sheriff. The sheriff will appoint a person whose function will be to serve as liaison between the committee and the Erie county sheriff's department. The responsibilities of this person shall include but not be limited to providing the committee with information with respect to the functionings of the Erie county sheriff's department insofar as they relate to the business of the committee.~~

~~—Section 1643.— Membership; meetings. The committee shall consist of twenty members. Ten members shall be appointed by the county executive subject to confirmation of the county Legislature, and ten appointed by the Erie county sheriff, subject to the confirmation of the county Legislature.~~

~~—Upon the occurrence of a vacancy for whatever reason, the chairperson of the committee shall notify the clerk of the Erie county Legislature. A vacancy occurring for reasons other than expiration of a term of a member shall be filled by appointment by the original appointing officer for the unexpired term, subject to confirmation by the county Legislature. All vacancies occurring on the committee shall be filled by the original appointing officer within thirty days of the occurrence of the vacancy.~~

~~—A committee member may resign by giving written notice to the official by whom he/she was appointed and to the chairperson of the full committee.~~

~~—A committee shall annually by majority vote of its membership designate a chairperson, vice chairperson and secretary.~~

~~—The committee shall meet at least four times each year with at least one meeting to be in each quarter of the year. The committee shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file an annual report with the county executive, the Erie county sheriff and the county Legislature. In regard to any member of the committee who may have been appointed to the committee under any provisions of this article which were in effect prior to the enactment of the present provisions of this article, nothing herein shall be construed to require the termination of the term of any such member prior to the date on which such term would otherwise have expired.~~

## **Section 28.**

Article XVI-D of the Erie County Charter is hereby deleted in its entirety.

### **~~ARTICLE XVI-D~~**

#### **~~ART AND CULTURE IN PUBLIC PLACES BOARD~~**

~~Section 1645. Legislative findings and declaration of policy.~~

~~1646. Art and culture in public places board.~~

~~1647. Duties.~~

~~1648. Effective date.~~

~~—Section 1645.— Legislative findings and declaration of policy. It is hereby found that many of our citizens lack the opportunity to view, enjoy or participate, free of charge, in musical concerts, dance and ballet recitals, art exhibits, the theater, and other examples of cultural, historical and literary displays. It is hereby further found that, the practice and enjoyment of the arts and culture are of increasing importance and that the general welfare and quality of life of the people of Erie county will be promoted and enhanced by giving further recognition of arts and culture as a vital aspect of our community and heritage.~~

~~—It is hereby declared to be the policy of the county of Erie to join with various groups, associations, organizations and institutions concerned with arts and culture to insure that the role of the arts in our county will continue to grow and will play an ever more significant part in the experience of area citizens.~~

~~—Section 1646.— Art and culture in public places board. There shall be an art and culture in public places board of the county of Erie consisting of nine members appointed by the county executive subject to confirmation by the Erie county Legislature. Said members shall be broadly representative of all fields of culture and the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational, arts and cultural associations and groups, concerned with or engaged in the production or presentation of the various forms of art and culture.~~

~~—Upon this law becoming effective, the county executive shall appoint three members of the board to serve a one year term, three members to serve two year terms, and three members to serve three year terms. Thereafter all appointments shall be for two year terms. The chairman of said board shall be named by the county executive and said chairman shall serve at the pleasure of the county executive.~~

~~—Section 1647.— Duties of the art and culture in public places board. The art and culture in public places board shall stimulate, encourage and coordinate the voluntary, year round, presentation of the theater, art exhibits, cultural, historical and literary displays, musical concerts and dance and ballet recitals at all appropriate public buildings and facilities under the direct jurisdiction of the county of Erie.~~

~~—Section 1648. — Effective date. This local law shall take effect immediately.~~

## **Section 29.**

Article XVI-E\* of the Erie County Charter, entitled "Erie County Commission on the Status of Women" has been deleted in its entirety, and certain of its provisions transferred to Section XI-G-04 of Article XI-G, entitled "Division on the Status of Women".

\*Also see Article XVI-E, entitled "Citizens Salary Review Commission" which has not been deleted.

## **Section 30.**

The Erie County Charter is hereby amended by adding a new Article XVI-G, to read as follows:

### **ARTICLE XVI-G AUTONOMOUS INSTITUTIONS**

Section	XVI-G-01	Erie Community College
	XVI-G-02	Erie County Medical Center Corporation
	XVI-G-03	Buffalo and Erie County Public Library
	XVI-G-04	Support of public libraries

Section XVI-G-01. Erie Community College. As authorized and set forth in Article 126 of the Education Law of the State of New York and other applicable laws, there shall be a State University of New York Erie Community College ("S.U.N.Y. at ECC"), which is governed by a board of trustees. The number of trustees and their manner of appointment shall be as set forth in §6306 of said Education Law as presently constituted or hereafter amended, except that the power of appointment shall be exercised by the county executive, subject to confirmation by the county Legislature. The college's fiscal operations shall be as set forth in Plan C of the NYS Education Law.

a. Powers and duties of board of trustees. The Board of Trustees of S.U.N.Y ECC shall have the powers and duties set forth in Article 126 of the Education Law of the State of New York and other applicable laws, including but not limited to the following which are found in Article 126 of the Education Law.

1. To appoint a president of the college, subject to approval by the State University Trustees;
2. To appoint or delegate to the president of the college the appointment of other members of the staff;
3. To adopt curricula for the college, subject to the approval of the State University Trustees;

4. To prepare a budget for submission to and approval by the County Legislature under policy and procedures for budgets found elsewhere in the Charter;
5. To discharge such other duties as may be appropriate or necessary for the effective operation of the college, and may be required by other laws.

b. Audits. The Erie County Legislature together with the county executive shall have the authority to request from time to time that an audit of ECC's financial records be conducted under the direction of the county comptroller. The request will be made in writing by the Legislature and will not be unreasonably denied by the college.

c. Training of county personnel. S.U.N.Y at ECC is to be a dynamic, vibrant part of the college. To that end, the college and the county are to work together to find synergies between them whereby the college becomes the educational vehicle of choice for training of county personnel and the personnel in other municipalities whenever it is in the best interest of both parties—fiscally, educationally, and operationally—to do so.

Section XVI-G-02 Erie County Medical Center Corporation. The former Erie County Medical Center (ECMC) is now recognized as Erie County Medical Center Corporation (ECMCC), a public benefit corporation organized under the New York State Public Authorities Law. Should ownership of the former Erie County Medical Center Health Care Network revert from ECMCC to the county, the county executive shall appoint a five-member board of directors to operate the hospital on an interim basis. The interim board shall, within 120 days, develop a new organizational structure for operation of the hospital, consistent with the county strategic plan and fiscal condition, subject to approval by the county Legislature and county manager. The interim board shall continue to operate the hospital until the new structure can be implemented, but for no longer than one year from its time of appointment.

Section XVI-G-03 Buffalo and Erie County Public Library.

The Buffalo and Erie County Library system is governed under New York State law, Chapter 768 of the Laws of 1953, and is funded under Section 259 of the Education Law. It is a corporation chartered by the New York State Board of Regents, and its board of trustees has all the powers and duties set forth in New York State law.

Section XVI-G-04 Support of public libraries.

a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie county public library, and shall not be subject to withholding, modification, or reduction by the county after adoption of the annual Erie county budget, consistent with library powers in section two hundred fifty nine of the education law, except that the trustees of the Buffalo and Erie county public library shall not authorize, without the prior approval of the county

Legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

b. The Erie county Legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie county public library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie county public library expenses adopted in the annual Erie County budget.

### **Section 31.**

Article XVII-A of the Erie County Charter is hereby deleted in its entirety.

### **ARTICLE XVII-a NARCOTICS CONTROL**

Section 1720: Narcotics enforcement board.

~~1721: Duties.~~

~~1722: Narcotics guidance council.~~

~~1723: Duties.~~

~~—Section 1720.—Narcotics enforcement board. There shall be a narcotics enforcement board of the county of Erie consisting of four members appointed for a term of three years by the county executive subject to confirmation by the Erie county Legislature plus the sheriff of Erie county who shall serve ex officio. Said members shall be selected from chiefs of police of the various police departments within the county of Erie or persons with significant experience in law enforcement. The chairman of said board shall be named by the county executive and said chairman shall serve at the pleasure of the county executive.~~

~~—Section 1721.—Duties of narcotics enforcement board. The narcotics enforcement board shall coordinate the control of the illegal use of narcotics within the county of Erie. It shall discuss and disseminate to every police department within the county new laws and recommendations for change in the law relating to the use of narcotics. It shall serve generally to control illegal activities in narcotics which cross jurisdictional lines of police enforcement.~~

~~—Section 1722.—Narcotic guidance council. There shall be a narcotic guidance council of the county of Erie consisting of five members appointed for a term of three years by the county executive subject to confirmation by the Erie county Legislature. The chairman of said board shall be named by the county executive and shall serve at his pleasure.~~

~~—Section 1723.—Duties of the narcotic guidance council. The narcotic guidance council shall direct itself toward accomplishing the following:~~

~~—a. Make immediately available to the community, basic knowledge acquired in the field of drug use especially by youth;~~

~~—b. Create a climate in which persons seeking assistance in coping with narcotics problems can meet, without embarrassment, with responsible individuals or agencies in a position to render assistance;~~

~~—c. Authorize persons approved by the council to contact and counsel persons within the community suspected of using narcotics or those persons allegedly having knowledge of such usage; and~~

~~d. Cooperate with other narcotic guidance councils and with the state, and federal narcotics commissions and agencies in bringing local and community trouble areas to their attention.~~

## **Section 32.**

Article XVIII of the Erie County Charter is hereby amended as follows:

### **ARTICLE FINANCIAL PROCEDURES**

### **XVIII**

Section 1801. Fiscal year.

1801-a Preparation of proposed tentative operation and maintenance budget.

1802. Tentative budget and capital program by county executive.

1802-a Preparation of proposed tentative capital budget program.

1802-b Fund balance.

1803. ~~Adoption of budget~~ Revenue and certain expense projections reviewed.

1803-a Budget controls.

1804. ~~Levy of taxes; inclusion of reserve for uncollected taxes; county tax act continued.~~ Adoption of budget

1805. ~~Appropriations; supplemental and emergency~~ Levy of taxes.

1806. ~~Appropriations; reductions and transfer after budget adoption~~ Appropriations; supplemental and emergency.

1807. ~~Certain resolutions of county Legislature subject to executive veto~~ Appropriations; reductions and transfers are budget adoption.

1808. ~~Certain obligations and payments prohibited~~ Certain resolutions of county Legislature subject to county executive veto.

1809. ~~Erie county budget act~~ **REPEALED** Certain obligations and payments prohibited.

1810. ~~NEVER ENACTED~~ Erie county budget act repealed.

1811. Limitation on county real estate taxes.

1812. Imposition and increases in other county taxes and fees.

1813. Audit committee.

1814. The Citizens' Budget Review Commission.

Section 1801. Fiscal year. The fiscal year of the county shall begin with the first day of January and end with the last day of December in each year.

Section 1801-a. Preparation of proposed tentative operation and maintenance budget.

a. Submission of estimates and appropriation requests. On or before the fifteenth day of August in each year, or such earlier date as the budget director may prescribe, the



head of each administrative unit authorized agency shall furnish to the budget director an estimate of revenues and expenditures for the respective administrative unit or authorized agency for the next ensuing fiscal year, exclusive of capital projects. Each estimate shall show the sources of revenues and the character and object of expenditures, which may be subclassified by functions and activities. Estimates shall be submitted in such form and shall contain such additional information as the budget director shall prescribe; provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation. All information used in creating revenue estimates shall be submitted to the comptroller by the 1<sup>st</sup> day of October in each fiscal year.

b. Periodically, the specific format of the budget and its required contents shall be submitted to the Legislature for review and comment. Such submission shall be made at least once in any two year period.

c. There shall be made available for publication listing of all activity and program-related evaluations performed in the previous two years with guidance indicating the manner in which the public can gain access to the full text of such studies.

d. All capital budget items shall include justifications based on return on investment, leverage of other revenue sources, payback period, impact on credit rating, relative value in reducing operating or capital costs, or other such appropriate measures typically utilized to justify and prioritize such expenditures.

e. The budget director annually, not less than twenty days prior to the date fixed pursuant to paragraph a. of this section, shall notify in writing the head of each administrative unit, and of each authorized agency receiving county funds pursuant to contract or otherwise during the current fiscal year, of (1) the date fixed pursuant to said paragraph a. and (2) the form and information to be contained in such estimate and request.

f. In the event that the head of any administrative unit fails to submit an estimate by the date specified, the budget director shall forthwith prepare such estimate.

g. The budget director, upon receipt of the estimates and requests for appropriations, shall proceed to make such review and investigation and conduct such hearings thereon as are deemed necessary. The budget director may require the head of each administrative unit or any officer or employee thereof and any authorized agency requesting county funds to furnish data and information and answer inquiries pertinent to such review or investigation. All information used in creating revenue estimates shall be shared with the comptroller.

h. Upon the completion of the review and investigation of the estimates and requests from the various administrative units and authorized agencies, the budget director shall prepare and submit to the county executive a proposed tentative operation and maintenance budget setting forth the budget director's estimate of expenditures and revenues of the county for the next ensuing fiscal year showing a comparison with (1) the

corresponding actual expenditures and revenues in the last completed fiscal year, (2) the corresponding budget items of expenditure and revenue for the current fiscal year adjusted for transfers and changes in appropriations, if any, and (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of administrative units and authorized agencies.

Section 1802. Tentative budget and capital program by county executive. On or before the 15th day of October of each year the county executive shall submit to the county Legislature a tentative budget for the ensuing fiscal year, a financial forecast for the two (2) subsequent years, a capital program for the next six (6) fiscal years, and an accompanying message.

Intent. It is essential that the proposed and adopted budgets be presented in a form which is both usable and understandable by the citizens of the County. In furtherance of this public goal, the tentative budget and capital program presented under this section, and any appropriations acts and amendments made pursuant thereto, shall contain the following information:

- 1) Transparency: The entire budget document, both tentative and adopted, shall be prepared in a manner and with language that can be easily understood by the citizens of Erie County. Such document shall also be placed on the Internet to provide easy access by the public.
- 2) Programmatic Budget. The entire budget document both tentative and adopted shall contain a separate statement organized by department or office of the individual programs conducted or supported or functions carried out by each such department or office. Such statement shall set forth, for each individual program, the major goals and objectives, a description of the need for the program, including whether mandated or discretionary, and specific outcomes related to proposed and approved expenditures for each program or function. The statement shall also include a description of the alternatives to each such program or function which were considered prior to the formulation of the submitted proposal and a detailing of the activities to be carried out, services to be supplied to the citizens of Erie County, and the functions to be performed by the individual program or function.
- 3) Quantification: Program measures and performance standards to be used in monitoring and evaluating the delivery of services, including the specification of appropriate evaluation cycles and milestones, and a description of the manner in which the citizens of the County will be able to obtain access to the results of such monitoring and evaluations.
- 4) Cost Accounting, with unit cost information: The entire budget document, both tentative and proposed shall include a clear and detailed description of the expenses to be incurred by each such individual program and function, including the cost of all county facilities to be utilized, so that a true cost accounting of the program will be obtained in order to facilitate unit cost assessment of the program in terms of units of service provided. In addition, the document shall include a clear and detailed presentation of the proposed sources of funding for such

programs or functions, including the amounts to be funded directly by county appropriations, other governmental grants, reimbursements or contributions, and revenues raised directly as a result of program activity.

Section 1802-a. Preparation of proposed tentative capital budget and program.

a. Submission of capital project requests. On or before the fifteenth day of July, or such earlier date as the budget director may prescribe, the head of each administrative unit, including independently elected officials, shall furnish to the budget director and to the commissioner of environment and planning a description, justification and estimate for each physical public improvement of works, hereinafter called capital project, which is proposed for development during one or more of the ensuing six fiscal years. Each capital project request shall show: recommended priority; development; time schedule; estimated costs for planning, site of right of way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget; possible sources of financial aid; recommended expenditures by years; and such other information as the budget director and commissioner of environment and planning may deem advisable.

b. Capital projects committee. To assist in the consideration of capital projects and the capital program, there shall be a capital projects committee consisting of the county executive, the comptroller, the budget director, ~~the finance commissioner~~, the planning director, the county attorney and such other administrative heads as the county executive may designate, and the following members of the county Legislature; the chairman, the chairman of the capital improvements committee, and the majority and minority leaders. The county executive shall be solely responsible for the capital program and budget as submitted to the county Legislature and no members of the latter body shall be obliged to support any project by reason of membership on the capital projects committee. The county executive shall be the chairman and the budget director shall be the vice chairman of this committee.

c. Upon receiving a capital project request, the commissioner of environment and planning shall study the same with special references to comprehensive plans for the county and for any affected municipality therein.

The commissioner of environment and planning shall promptly forward any such comments and recommendations regarding the proposed project to the budget director who shall submit the same, together with his or her own comments and recommendations to the capital projects committee and the development coordination board. The capital projects committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between April fifteen and August ~~September~~ fifteen at least twice, and as more often as may be required at the call of the chairman or vice chairman.

d. The development coordination board shall make such recommendations to the county executive in regard to the scope of the capital program, the relative priorities of proposed projects and suggested means of financing as its membership may determine. At the request of the county executive, joint meetings of the capital projects committee and the development coordination board shall be held.

e. The budget director and deputy commissioner of environment and planning shall assist the development coordination board by presenting and explaining all capital project

requests and shall furnish all relevant exhibits and information. The department of environment and planning shall also assist in the preparation of the capital improvement program report and all related information.

f. Proposed capital program. On or before the ~~fifteenth day of September~~ the fifteenth day of August, the budget director, after receiving the advice of the capital projects committee, shall prepare and submit to the county executive a proposed capital program for the next six fiscal years, showing the purpose and amount of recommended capital expenditures by years, the suggested methods of financing, and the estimated effect of such program on future budgets with respect to operating, maintenance, debt service and other costs.

g. Proposed tentative capital budget. The first year of the proposed capital program, covering the next ensuing fiscal year, shall be incorporated by the budget director in a proposed tentative capital budget for such year. Such capital budget shall indicate debt service charges of previous projects, proposed down payments and other expenditures for new projects, and the recommended sources of all proposed capital financing including, but not limited to, capital reserve fund, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances. The proposed tentative capital budget shall not contain any capital debt for the purpose of paying salaries, utilities, supplies or other recurring operating expenses, unless authorized under New York State Law.

#### Section 1802-b. Fund balance.

a. In presenting the tentative budget, the county executive shall report on the amount of the balance contained in all funds in the budget including unrestricted, restricted or designated funds. Such report for each fund shall be current as of September 1.

b. The county executive shall maintain a balance in all funds established in the budget equal to or greater than five percent of the amount contained in the budget of each fund in the immediately preceding fiscal year. Fund balance may be included as a revenue in an approved budget of a fund provided that there shall remain an unrestricted balance of at least five percent as provided in the first sentence of this paragraph.

c. A fund balance in any fund contained in the county budget and included as a revenue shall only be reduced to an amount less than that permitted in the second paragraph of this subsection upon a resolution separately presented and approved by the county Legislature at the time of the approval of the annual budget. A budget that is approved without a vote of the county Legislature shall not appropriate any fund balance revenue in excess of the amount provided in this subsection. The county executive's tentative budget shall indicate equivalent deletions in the tentative budget that shall be executed if the use of fund balance permitted by this paragraph is not approved by the county Legislature.

d. Following approval of the annual budget, no additional fund balance shall be appropriated as a revenue of the county during the fiscal year without the affirmative vote of at least two-thirds of the total membership of the county Legislature.

Section 1803. Revenue and certain expense projections reviewed.

On or before the 1<sup>st</sup> day of October the county executive shall submit to the comptroller all revenue estimates and expenditure estimates for Medicaid, public assistance, and pension contributions and health care insurance costs for county employees to be used in the proposed budget. The comptroller shall review all revenue estimates and expenditure estimates for Medicaid, public assistance and pension contributions and health care insurance costs for county employees to be used in the proposed tentative budget prepared by the county executive and submit to the Legislature in writing by the 15<sup>th</sup> of October a report indicating whether or not such estimates are suitable estimates for the upcoming fiscal year. Should the comptroller determine that any such revenue or expenditure estimate is not suitable for the upcoming fiscal year, the Legislature, upon notice from the comptroller may revise any such revenue estimate downward upon a two-thirds majority vote and may revise any such expenditure estimate upward by a majority vote. The Legislature shall not revise any such revenue estimate upward.

Section 1803-a. Budget controls.

a. No county officer, employee, department or other administrative unit or subdivision thereof, or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this code or the local finance law. If one or more of the independently elected officials (clerk, comptroller, district attorney, sheriff) becomes aware of a deficit or impending deficit in his or her department, he or she shall notify the Legislature immediately so that, subject to section 1806 of this charter, remedial action can be taken. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may be or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a two thirds vote of the county Legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

b. The county executive shall maintain control at all times over the expenditures of every department or other administrative unit, officer, employee and financial activity of the county, except for the departments overseen by the independently elected officials (clerk, comptroller, district attorney and sheriff) who shall have the power to manage their departments within the parameters of the adopted budget. For such purpose, the county executive may, among other things, prescribe quotas and allotments, and no department or other administrative unit, officer, employee or financial activity of the county, except for the independently elected officials (clerk, comptroller, district attorney and sheriff), shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed. The county executive may request that the Legislature impose quotas, allotments or other cost control measures on the independently elected officials (clerk, comptroller, district attorney and sheriff) if the need arises. The Legislature shall by resolution impose quotas, allotments or other cost control measures with a simple majority vote.

~~Section 1803~~1804. Adoption of budget.

A. The county Legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The county Legislature after one or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the budget committee to the county Legislature concerning amendments to the county executive's tentative budget shall be presented to the Legislature and laid on the table at least forty eight hours prior to the annual meeting for budget adoption as prescribed in this section.

Budget amendments proposed subsequent to the tabling of the budget committee report, ~~and or~~ less than forty eight hours prior to the annual meeting, shall be considered separately and voted with each line item voted on individually on the floor of the Legislature.

B. If the budget is passed by the county Legislature with no additions or increases, such budget shall be deemed to have been adopted without any further action by the county executive; if, however, the budget as passed by the county Legislature contains any such additions or increases, the same shall be presented by the clerk of the Legislature to the county executive not later than the Wednesday following the first Tuesday in December, for his consideration of such additions or increases. If the county executive approves all additions and increases, he shall affix his signature to a statement thereof and return the budget and such statement to the clerk of the Legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted.

C. The county executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which he objects with the reasons for his objections, and shall return the budget with his objections to the clerk of the county Legislature who shall present the same to the county Legislature on or before the Monday preceding the second Tuesday in December. The county Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two thirds of all members of the county Legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted.

D. If a budget with additions or increases is not returned by the county executive to the clerk of the Legislature with his objections on or before the Monday preceding the second Tuesday in December, it shall be deemed adopted.

E. If a budget has not been adopted, as herein provided, on or before the second Tuesday of December in each year, then the tentative budget as submitted by the county executive, plus all additions and increases to which he has failed to object, shall be the budget for the ensuing fiscal year.

F. Four copies of the budget as adopted shall be certified by the county executive and by the clerk of the county Legislature. One such copy shall be filed in the office of the county executive, and one each in the offices of the county comptroller, the commissioner of finance and the clerk of the county Legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

~~G. In the year nineteen hundred eighty four the county Legislature may consider and act on the budget for up to three days after the Legislature of the state of New York shall adjourn, but in no event beyond the second Tuesday in December, whichever date shall first occur, except as specified in this subdivision. If the budget as passed by the county Legislature contains any additions or increases, the same shall be presented by the clerk of the Legislature to the county executive not later than the fourth day after the adjournment of the state Legislature or the Wednesday following the second Tuesday in December, whichever shall first occur, for his consideration of such additions or increases. If the county executive approves all the additions and increases, he shall affix his signature to a statement thereof and return the budget and such statement to the clerk of the Legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted. If the county executive objects to one or more of such added or increased items, he shall append a statement to the budget as provided by subdivision C of this section and return the budget with his objections to the clerk of the county Legislature, who shall present the same to the county Legislature on or before the ninth day following the adjournment of the state Legislature or the Monday preceding the third Tuesday in December, whichever shall first occur. The county Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two thirds of all members of the~~

~~county Legislature vote to approve such additions and increases or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted. If the budget with the additions or increases is not returned by the county executive to the clerk of the Legislature with his objections on or before the ninth day following the adjournment of the state Legislature or the Monday preceding the third Tuesday in December, whichever is earlier, it shall be deemed adopted. If a budget has not been adopted as provided in this section on or before the tenth day following the adjournment of the state Legislature of the third Tuesday of December, whichever is earlier, then the budget for nineteen hundred eighty five shall be the budget as provided for in subdivision E of this section. In no event shall any action concerning the budget be mandated by this subdivision to take place earlier than the dates specified in other subdivisions of this section.~~

Section ~~1804~~1805. Levy of taxes; inclusion of reserve for uncollected taxes; county tax act continued. The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance by the county Legislature on the taxable real property of the several tax districts of the county. The tax levy for state and county purposes shall include, in addition to the amount of state taxes to be raised and the net county tax requirement as above determined, an amount to be known as "reserve for uncollected taxes" which shall be a county charge. ~~The county Legislature shall fix the amount of such reserve at such a sum as they may deem sufficient to produce in cash from the collection of taxes and other revenues during the year moneys required to meet the estimated expenditure of such year, provided, however, that such reserve shall be not less than the face amount of taxes for the preceding completed fiscal year on real estate sold for such taxes bid in by the county but not redeemed at the end of such preceding completed fiscal year.~~ Except as otherwise provided in this charter, the Erie county tax act, being chapter eight hundred twelve of the laws of nineteen hundred forty two as amended, shall remain in full force and effect.

Section ~~1805~~1806. Appropriations; supplemental and emergency. ~~If during any fiscal year there are available for appropriation (1) revenues received from sources not anticipated in the budget for that year or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the county Legislature may make supplemental appropriations for the year up to the amount of such additional revenues.~~

Supplemental appropriations. If during any fiscal year there are available revenues not anticipated in the budget for that year, the county executive may make supplemental appropriations, subject to legislative approval, for that year, up to the amount of such additional revenues.

Emergency Appropriations. To meet a public emergency affecting life, health or property, the county Legislature may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the county



Legislature may authorize the issuance of budget notes or notes in anticipation of the collection of taxes or revenues.

~~Section 1806 1807. Appropriations; reductions and transfer after budget adoption. If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the county executive shall report to the county Legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations as to further action. The county Legislature shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose it may by resolution reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated.~~

Intent: it is determined that the maintenance of a balanced budget throughout the county's fiscal year is critical to the fiscal integrity of the county and is thus an important public objective. To this end, the county executive shall recommend to the Legislature budgetary adjustments as are necessary to maintain a balanced budget on an ongoing basis.

If at any time during the fiscal year it appears, from cash flow projections or other generally accepted accounting principles, that the revenues available, as projected through the end of the fiscal year, will be insufficient to meet either (a) the amounts appropriated, or (b) expenses anticipated to be incurred through the end of the fiscal year, such that the cumulative effect thereof is a projected year-end deficit in excess of fifty percent of the county's undesignated, unreserved fund balance as of the end of the immediately preceding fiscal year, the county executive or the comptroller shall submit a report to the Legislature setting forth the estimated amount of the deficit with appropriate details and explanations. Within seven days of the submission of such a report to the Legislature, the county executive shall present a written proposal of actual remedies to overcome the deficit. The comptroller shall provide the Legislature with written comments on the county executive's proposed actions within seven days of the submission of the remedial proposal to the Legislature. The Legislature shall take under consideration the proposed remedial actions and comments presented by the comptroller and take such action as it deems necessary to prevent or minimize the deficit. Should the Legislature fail to act within twenty-one days of presentation of the written proposal of remedial actions by the county executive, the county executive's proposal shall be deemed adopted. In the event the deficit is declared and remedial actions are taken by the county executive and/ or the Legislature, no appropriation for debt service may be reduced and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required to be appropriated.

The county executive may at any time during the fiscal year transfer part or all of the unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the county Legislature shall be required if the proposed transfer (1) would result in an increase exceeding ~~one thousand dollars (\$1,000)~~ ten thousand dollars (\$10,000), or such larger

amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would affect any salary rate or salary total. If the county executive requests in writing, the county Legislature by resolution effective immediately may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated. On or before the 15<sup>th</sup> day of the following month the county executive shall provide the Legislature a monthly report of all transfers made pursuant to this section.

~~Section 1807~~ 1808. Certain resolutions of county Legislature subject to executive veto. A resolution of the county Legislature for any of the following specified purposes shall be submitted to the county executive for his approval or veto in the same manner as provided in this charter for the adoption of ordinances: (a) an allocation from the budget contingency fund; (b) a supplemental or emergency appropriation; (c) the issuance of budget notes or notes in anticipation of the collection of taxes or revenues; and (d) the issuance of bonds, anticipation notes or capital notes.

~~Section 1808~~ 1809. Certain obligations and payments prohibited. No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made, or except as permitted otherwise by the local financed law; provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing, or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

~~Section 1809~~ 1810. Erie county budget act repealed. the Erie county budget act, being chapter three hundred eighty three of the laws of nineteen hundred forty four as amended, is hereby repealed as of January first, nineteen hundred sixty one.

~~Section 1810. — Never Enacted.~~

Section 1811. Limitation on county real estate taxes. Hereafter, the amount to be raised by tax on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed an amount equal to one per centum of the average full valuation of all of taxable real estate within the county, less the amount to be raised by tax on real estate in such year for the payment of the interest on and redemption of certificates or other evidence of indebtedness described in paragraphs A & D of section five of article eight of the constitution of the state of New York.

The average full valuation of taxable real estate shall be determined pursuant to section ten of article eight of the constitution of the state of New York.

Section 1812. Imposition and increases in the other county taxes and fees. Hereafter, no new form of county tax maybe imposed, and the county of Erie's three per centum sales and use tax and fees or charges established by the county Legislature shall not be increased except by a resolution approved by: (a) the affirmative vote of two thirds of the whole number of the membership of the county Legislature, or, (b) the affirmative

vote of a majority of the whole number of the membership of the county Legislature submitting a proposition for such imposition or increase to a mandatory referendum to be held pursuant to article three of the county law.

#### Section 1813. Audit committee

A. There is hereby created and established an audit committee for the county of Erie consisting of the following five members appointed for the following terms:

B.

a. One majority member of the county Legislature to be appointed annually by the majority members of the Legislature.

b. One minority member of the county Legislature to be appointed annually by the minority members of the Legislature.

c. The county Legislature shall consider at least three qualified candidates which have been recommended by the Erie county bar association and shall initially appoint one of these nominees for a one year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

d. The county Legislature shall consider at least three qualified candidates which have been recommended by the western New York chapter of the New York state association of certified public accountants and shall initially appoint one of these nominees for a two year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

e. The county Legislature shall consider at least three qualified candidates which have been recommended by the commercial bank located within Erie County and shall initially appoint one of these nominees for a three year term. Should fewer than three such candidates be recommended by commercial banks, the Legislature may add a resident of Erie County who has demonstrable expertise in commercial banking industry to the list of nominees. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

With the exception of the legislative members, no appointee may serve for more than two consecutive terms. Each appointee may be removed only for cause by the respective appointing authorities. Vacancies shall be filled by members appointed by whomever make the initial appointment. A member appointed to fill a vacancy shall serve for the duration of the expired term.

B. The members of the audit committee shall annually elect their own officers. Members of the county Legislature shall not be eligible to hold such offices. The audit committee shall meet at least four times a year and shall maintain recorded minutes of all of its meetings.

C. The audit committee shall be responsible for issuing requests for proposals from certified public accounting firms for the preparation of an annual audit report and accompanying management letter for the county of Erie, ~~an annual audit report and accompanying management letter for the Erie county medical center, an annual audit report and accompanying management letter for the home and infirmary~~ and an annual report and accompanying management letter for the Erie community college. The audit committee may issue a request for proposal (RFP) to have the same certified public accounting firm contract with the county of Erie for two or all four of the aforementioned audit reports and management letters, or it may issue a separate RFP for each of the four aforementioned audit reports and accompanying management letters. Any request for proposal issued by the audit committee shall be in writing and shall be widely distributed among certified public accounting firms. Such requests for proposals shall contain all pertinent information concerning each proposed audit report and management letter contract, including the date upon which the contract is to commence, a description of the work to be performed, any particular or unique specifications required, the fiscal year(s) for which the audit reports and the management letter(s) are to be prepared and the date(s) by which the audit report(s) and accompanying management letters shall be completed and formally submitted to the county Legislature and county executive.

The audit committee shall review and evaluate the responses to each RFP it issues and it shall prepare in writing a comparison of all certified public accounting firms which responded showing (a) what special skill or service will be provided; (b) the qualifications of the firm; (c) the expertise of the firm; and (d) the total estimated cost, or rate for providing services. The audit committee shall prepare a written report on the results of each RFP it issues. Such report shall be submitted to the clerk of the county Legislature at least three months prior to the commencement of the proposed annual audit and management letter contract and it shall contain the results of the audit committee's evaluation of all responses to the RFP, as well as the name of the certified public accounting firm which it is recommending to perform the proposed audit report and management letter contract.

The audit committee shall be responsible for meeting with the certified public accounting firm(s) which are awarded audit and management letter contract(s) for the county of Erie, ~~the Erie county medical center, the home and infirmary~~ and the Erie community college to discuss in detail the scope of such contracts and all matters related to them.

Within forty-five days of the publication of a finalized audit report and accompanying management letter, the audit committee shall submit to the county executive and the county Legislature a written report containing its findings, comments and recommendations with respect to each such report.

The audit committee shall be responsible for monitoring the implementation of the recommendations which are contained in the management letters that are issued for the county of Erie, ~~the Erie county medical center, the home and infirmary~~ and the Erie community college.

Section 1814 (a). The Citizens' Budget Review Commission.

The Citizens' Budget Review Commission shall be established to assist and advise the Erie County Legislature in the oversight of the County's Budget and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems.

Upon the adoption of this Local Law the Erie County Legislature hereby creates a Citizens' Budget Review Commission of Erie County to be established on or before March 15, 2005.

Section 1814 (b). Commission Purview and Reporting.

The Citizens' Budget Review Commission shall study the fiscal operations of the County of Erie in their full scope. The Commission shall provide regular reports to the Legislature at the conclusion of each fiscal quarter, and shall submit an annual report, which shall include its findings, conclusions, and recommendations for appropriate budgetary action to the County Legislature. The Commission shall file its annual report with the Erie County Legislature annually on or before October 15.

Section 1814 (c). Membership; Terms; Vacancies.

The Citizens' Budget Review Commission shall be composed of eleven (11) voting members, who shall be residents of Erie County. Such members shall be appointed by the Erie County Legislature upon recommendation from the following entities:

A. One (1) member shall be recommended and appointed by the Erie County Executive.

B. One (1) member shall be recommended annually by the Chair of the Erie County Legislature and confirmed by the Legislature.

C. One (1) member shall be recommended annually by the Majority Leader on behalf of the majority members of the Erie County Legislature and confirmed by the Legislature.

D. One (1) member shall be recommended annually by the Minority Leader on behalf of the minority members of the Erie County Legislature and confirmed by the Legislature.

E. One (1) member shall be appointed who has professional experience as a certified public accountant. After receiving a list of at least three qualified candidates who have been recommended by the Western New York chapter of the New York State Association of Certified Public Accountants, the Legislature shall then appoint one individual from this list to the Commission.

F. One (1) member shall be appointed who has professional experience in the banking and finance industry. After receiving a list of at least three qualified candidates who have been recommended by banking institutions and credit unions located within Erie County, the Legislature shall then appoint one individual from this list to the Commission.

G. One (1) member shall be appointed who is an attorney-at-law, particularly with experience in local government law and/or finance. After receiving a list of at least three qualified candidates who have been recommended by the Bar Association of Erie County, the Legislature shall then appoint one individual from this list to the Commission.

H. One (1) member shall be appointed who has professional experience with organized labor. After receiving a list of at least three qualified candidates who have been recommended by Buffalo AFL-CIO Central Labor Council, the Legislature shall then appoint one individual from this list to the Commission.

I. One (1) member shall be appointed from the Erie County business community. After receiving a list of at least three qualified candidates who have been recommended by the Buffalo Niagara Partnership, the Legislature shall then appoint one individual from this list to the Commission.

J. Two (2) members shall be appointed by the Erie County Legislature based upon recommendations from the public and shall be construed to represent a cross-section of the County's diverse population and a depth of appropriate experience and expertise.

K. The Comptroller of the County of Erie shall be an ex-officio, non-voting member of the Commission. Only the Comptroller, not a designee, shall be seated on the Commission.

L. The Director of Budget and Management shall be an ex-officio, non-voting member of the Commission. Only the Director of Budget and Management, not a designee, shall be seated on the Commission.

M. The Erie County Attorney shall be an ex-officio, non-voting member of the Commission. Only the Erie County Attorney, not a designee, shall be seated on the Commission.

With the exception of ex-officio members of the Commission, no member of the Commission shall hold public office, political office, be an employee of the County, nor be a member of another County Board or Commission during the term of his/her appointment to the Citizens' Budget Review Commission of Erie County.

The term of office for all members of the Commission, with the exception of ex-officio members, shall be one (1) year. Such appointments may be renewed annually for up to five (5) years. Any vacancy resulting from a cause other than the expiration of a term shall be filled only for the unexpired portion of the term.

Members shall serve without compensation. Staff support shall be provided by the staff of the Erie County Legislature under the direction of the Clerk of the Erie County Legislature. Additional technical or professional services support and assistance may be provided without compensation by volunteers and/or firms or organizations with appropriate expertise and knowledge. Only through and after a majority vote of the Commission's voting membership may such volunteers or organizations assist the Commission.

Section 1814 (d). Officers.

The Commission shall elect, from its membership (excluding ex-officio members), its own chairperson for a term of one year. The Commission shall also elect from its membership (excluding ex-officio members), a vice-chairperson, who shall serve as chairperson in the chairperson's absence. Finally, the Commission shall elect from its membership (excluding ex-officio members), a secretary, who shall serve to record the minutes of the Commission's proceedings.

Section 1814 (e). Meetings.

The Commission shall hold monthly public meetings to review the County's finances, including year-to-date and year-end projections for the County Budget. In addition to these monthly public meetings, the Citizens' Budget Review Commission shall meet as needed to carry out its mission as established in this local law, as well as to carry out guidelines and work assignments subsequently requested by the Erie County Legislature. All meetings of the Commission shall be subject to the Open Meetings Law. However, nothing herein shall be construed to limit the ability of the Commission from meeting in executive session. Meetings shall be held on such days and at such hours so as to encourage the maximum amount of public awareness and shall be announced to the public through the media. Minutes of the proceedings and records of the Commission shall be clocked-in to the Erie County Legislature and are to be made available to the public for inspection during regular business hours.

Section 1814 (f). Powers of the Commission and Information Available to Commission.

The Commission shall have the power to make such studies and investigations into the County's budget and finances as it deems to be in the best interest of the county. In connection therewith, the Commission shall have the power to obtain technical information, including monthly budget reports, relating to the County's budget and finances from the Comptroller of the County, the County Executive, and his appointed Director of Budget and Management, as well as to request witnesses and the production of books, papers and other evidence, deemed necessary or material to the study or inquiry of the County's finances.

In addition to any other information requested by the Commission, the Director of Budget and Management shall submit to the Commission monthly budget reports. Such reports shall be due on or before the last calendar day of the subsequent calendar month, and shall include a detailed report of budgeted or projected revenues and expenditures with actual and accrued revenues and expenditures, a comprehensive narrative commentary to explain and justify variances in budgeted and actual revenues and expenditures, and a year-end forecast showing projected gains and losses for the year, including the use of fund balance.

Section 1814 (g). Failure to Provide Timely Information.

Should the County Executive, his appointed Director of Budget and Management, or anyone fail to provide information including but not limited to the budget reports requested in sub-section (f) above, the Chair of the Commission shall notify the Clerk of the Erie County Legislature and the Chair of the Erie County Legislature, in writing, and the Chair of the Legislature shall compel that such information be provided to the Commission by exercising the powers available to the Legislature, in particular those powers to subpoena and require the production of evidence as outlined in article 2, section 202, paragraph h of Local Law No. 1-1959, as amended, constituting the Erie County Charter.

### **Section 33.**

Section 1907 of Article XIX of the Erie County Charter is hereby amended as follows:

Section 1907. The Erie County Charter shall undergo a mandatory decennial review and the review shall commence by seating a Charter Review Commission by January 15, 2016, which shall report its recommendations to the Erie County Legislature no later than May 15 2016.

~~Charter Revision Commission. The County Legislature hereby creates a Charter Revision Commission to be established on or before April 15, 2005.~~

~~—The purview of the Charter Revision Commission. The Charter Revision Commission shall study the operations of the County of Erie in their full scope and shall consider the inter-municipal relations of the County of Erie and the myriad responsibilities that the County of Erie discharges in the course of its broadly defined duties to determine whether the Erie County Charter and the Erie County Administrative Code shall be further amended to render same as an effective framework for County government, and to adopt such amendments as may be necessary to facilitate the delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various Cities, Towns and Villages within the County. The Charter Revision Commission shall submit a final report, which shall include its findings, conclusions, and recommendations for appropriate action to the County Legislature and the County Executive on or before the 15th day of July, 2006.~~

~~—Methodology of operation. The Commission shall be provided with adequate resources incident to the discharge of its responsibilities as may be deemed necessary by the Erie County Legislature in the furtherance of its assigned duties.~~

~~—Membership. The Charter Revision Commission shall be composed of 23 members with one (1) member to be appointed by each District Legislator of the Erie County Legislature. The County Executive of the County of Erie shall appoint three (3) members, and the County Clerk, County Comptroller, County Sheriff, and the District Attorney of the County of Erie shall have one appointee each to the Commission. In addition to the other designated appointment, the Chair of the Erie County Legislature shall also appoint the Chairperson of the Charter Revision Commission.~~



~~—No member of the Commission shall hold public office, be an employee of Erie County nor serve on any other County boards, commissions, or advisory panels during the term of his/her appointment.~~

~~—After its establishment and all 23 members are seated, the Commission shall also select a Vice Chairperson and a Secretary through a majority vote.~~

~~—Reports and Recommendations. The County Legislature shall act on all reports and recommendations submitted to it in a timely fashion by the Charter Revision Commission by either approving or disapproving each recommendation separately within three (3) months from the date of the submission of the findings, conclusions and report of the Commission.~~

### **Section 34.**

REFERENDUM. This Local Law shall be placed before the voters of Erie County at a general election to be held at least sixty (60) days after the adoption hereof.

### **Section 35.**

EFFECTIVE DATE. If approved by the voters of Erie County, this local law shall take effect on the first day of January in the year immediately following such approval.

### **Section 36.**

STEPS FOLLOWING EFFECTIVE DATE.

1. Notwithstanding any provisions contained in this local law to the contrary, the clerk of the Legislature shall, subject to the approval of the county attorney as to form, insert gender neutral language in the Erie county charter, as follows:

- a. Whenever the masculine pronoun “he” is used in this charter, the words “or she” shall be inserted.
- b. Whenever the masculine pronoun “his” is used in this charter, the words “or hers” shall be inserted.

2. Notwithstanding any provision contained in this local law to the contrary, the clerk of the Legislature shall, subject to the approval of the county attorney as to form, renumber the articles, sections and subsections of the charter, as needed, to ensure that such articles, sections and subsections are in numerical order, that repetitiously numbered sections are corrected, and that deleted sections are removed from the charter.

3. a. The county attorney shall prepare a supplement to the Erie County charter which contains all additions to, and repeals and amendments of, the charter that are set forth in this local law.

b. Such supplement, which shall include the gender neutral language provided by Subsection 1 above, and which shall include the renumbering of articles provided by Subsection 2 above, shall be placed upon the desks of the members of the Legislature no later than sixty (60) days after the effective date of this local law.

c. Such supplement shall remain on the desks of the members of the Legislature for no less than thirty (30) days prior to the publication of the supplement.

**Section 37.**

SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

LYNN M. MARINELLI

TIMOTHY M. KENNEDY

MARIA R. WHYTE

DANIEL M. KOZUB

GEORGE A. HOLT

BARRY A. WEINSTEIN

ROBERT B. REYNOLDS, JR.

JOHN J. MILLS